

E-filed 1/18/06

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7 CITY OF SAN JOSE, HAPPY HOLLOW PARK & ZOO

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERI SMITH,
Plaintiff,
vs.
HAPPY HOLLOW PARK & ZOO; HAPPY
HOLLOW CORPORATION; CITY OF
SAN JOSE; and DOES 1-25
Defendants.

NO. C04 01178 JF

**STIPULATION TO CONTINUE
JANUARY 20, 2006 CASE
MANAGEMENT CONFERENCE AND
ORDER THEREON**

Plaintiff Teri Smith and Defendants Happy Hollow Park & Zoo and City of San Jose, by and through their attorneys of record, hereby stipulate that the January 20, 2006

Further Case Management Conference in this matter be rescheduled to **March 10, 2006 at**

10:30 a.m. Good cause exists for this extension in that:

- 22 1) The parties participated in a productive settlement conference on August 29,
23 2005 before Magistrate Patricia V. Trumbull;
- 24 2) Given the number of alleged violations of the Americans with Disabilities Act
25 and related statutes Plaintiff has identified at the City of San Jose's Happy
26 Hollow Park & Zoo, the size of the facility, and the existing renovation plans
27 for the facility, Defendant City of San Jose will require additional time for
28 settlement discussions;

1 3) Defendant City of San Jose will be conducting a meeting in February 2006
2 that needs to be completed before further settlement discussions can take
3 place;
4 4) The parties wish to avoid incurring unnecessary attorney's fees and costs;
5 and
6 5) The parties believe the Case Management Conference will be more
7 productive after they have completed their settlement discussions.

8 Dated: January 13, 2006

RICHARD DOYLE, City Attorney

9
10 BY: /s/ Brian C. Hopper
11 BRIAN C. HOPPER
12 Deputy City Attorney

13 Attorneys for Defendants
14 CITY OF SAN JOSE, HAPPY HOLLOW
15 PARK & ZOO

16 Dated: January 13, 2006

THIMESCH LAW OFFICES

17 By: /s/ Timothy Timesch
18 TIMOTHY TIMESCH, ESQ.
19 Attorneys for Plaintiff
20 TERI SMITH

21 I attest that Plaintiff has approved and signed this document, and given consent to
22 the filing of the same with the court.

23 Dated: January 13, 2006

RICHARD DOYLE, City Attorney

24 BY: /s/ Brian C. Hopper
25 BRIAN C. HOPPER
26 Deputy City Attorney

27 Attorneys for Defendants
28 CITY OF SAN JOSE, HAPPY HOLLOW
29 PARK & ZOO

ORDER

Pursuant to the stipulation by the parties hereto and good cause appearing therefor, the January 20, 2006 Further Case Management Conference is hereby rescheduled to 10:30 a.m. on March 10, 2006.

Dated: 1/18/06

JEREMY FOGEL
UNITED STATES DISTRICT JUDGE